

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PLAN2018-005**

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**Date:** January 30, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 1

**Subject:** An application to amend the Township of Bexley Zoning By-law 93-09 to remove the Holding One (H1) symbol to permit a golf driving range, miniature golf establishment, clubhouse and accessory buildings on Part of Lots 2 and 3, Concession 4, geographic Township of Bexley, now City of Kawartha Lakes and identified as 2045 Kawartha Lakes Road 48. (Bylykbash and Pyke)

**Author Name and Title:** Sherry L. Rea, Development Planning Supervisor

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### **Recommendation(s):**

**That** Report PLAN2018-005 entitled Bylykbash and Pyke - D06-17-029 be received for information; and

**That** a Zoning By-law Amendment respecting Application D06-17-029, substantially in the form attached as Appendix "C" to Report PLAN2018-005, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

The application proposes to remove the Holding One (H1) symbol from Schedule “A” of the Township of Bexley Zoning By-law 93-09, which regulates development and the use of land on Part of Lots 2 and 3, Concession 4, Township of Bexley. The removal of the Holding One (H1) symbol on a portion of the land would permit a golf driving range, miniature golf establishment, clubhouse and accessory buildings and/or structures. See Appendix “A” and “B” attached.

Owners:	Brian Bylykbash and Kim Pyke
Applicant:	Michael Smith of Michael Smith Planning Consultants: Development Coordinators Ltd.
Legal Description:	Part of Lots 2 and 3, Concession 4, geographic Township of Bexley, now City of Kawartha Lakes.
Designation:	Designated Rural on Schedule “A-7” on the City of Kawartha Lakes Official Plan.
Zone:	Tourist Commercial Exception Four Holding One (C3-4)(H1) Zone in the Township of Bexley Comprehensive Zoning By-law 93-09, as amended
Lot Area:	34 ha. Lot Area Subject 3.75 ha. of Removal of Holding
Site Servicing:	Private on-site sewage disposal system and private individual well
Existing Uses:	Driving range and miniature golf establishment with accessory buildings
Adjacent Uses:	North and South: Undeveloped Rural land East: Kawartha Lakes Road 41 West: Rural Residential

## **Rationale:**

The subject land contains 34 ha., of which approximately 3.75 ha. is developed with a clubhouse (117 sq.m.), driving range, miniature golf establishment, gravel parking area, 2 greenhouses (78 sq.m. and 79 sq.m.), 2 storage buildings (150 sq.m. and 65 sq.m.), a mobile container kitchen (14.4 sq.m.) and various small sheds. See Appendix “A” and “B” attached.

On June 5, 2007, Council passed By-law 2007-146 being a Zoning By-law to permit a single detached dwelling, golf driving range and miniature golf establishment on the subject property. On July 14, 2009, Council passed By-law 2009-157, being a Zoning By-law to permit a single detached dwelling, golf driving range, miniature golf establishment, golf course and maintenance buildings on the property. By-law 2009-157 contained a Holding One (H1)

provision that the owners shall enter into a Site Plan Agreement with the Municipality for any development on the property.

The current owners purchased the property which was developed with a single detached dwelling/clubhouse, golf driving range and miniature golf establishment and indicate that they do not wish to proceed with the development of a full golf course on the property. In order to further develop the site with accessory buildings and/or structures and recognize the existing accessory buildings and/or structures, it is necessary for the owners to remove the Holding One (H1) provision on a portion of the property. In support of the request to remove the Holding One (H1) provision on a portion of the property, the owners have prepared a Site Plan identifying the buildings and structures located on the property. See Appendix "B" attached. It is intended that the Holding One (H1) provision will still apply to the balance of the property as a golf course remains a permitted use and should be subject to Site Plan Approval by the City.

The application was circulated to the City's Engineering & Corporate Assets Department, Building Division, Part 8, Sewage Systems Division and KRCA. All agencies and City departments indicate that they have no concerns with the partial removal of the Holding One (H1) provision.

### **Provincial Policies:**

The application conforms to the 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan) and is consistent with the 2014 Provincial Policy Statement.

### **Official Plan Conformity:**

The land is designated Rural on Schedule "A-7" of the City of Kawartha Lakes Official Plan. Golf courses, active and passive recreation uses and facilities and greenhouses are permitted uses in the Rural designation.

### **Zoning By-law Compliance:**

The property is zoned Tourist Commercial Exception Four Holding One (C3-4)(H1) Zone which permits the current uses on the property.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed by the owner to the Ontario Municipal Board. In the event of an appeal there could be costs for legal representation and planning staff.

## **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals: A Vibrant and Growing Economy, An Exceptional Quality of Life and A Healthy Environment. This application aligns with the vibrant and growing economy goal as it permits active recreational uses and facilities on the property.

## **Review of Accessibility Implications of Any Development or Policy:**

The accessibility standards established in the Building Code will be shown on any subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

## **Servicing Implications:**

The property is developed on a private individual well and septic system. The City's Building Division and Part 8, Sewage Systems Division will continue to be involved through any permitting or construction phases.

## **Development Services – Planning Division Comments:**

Staff supports the application based on the information contained in this report and as such, respectfully recommend that the proposed Zoning By-law application to remove the Holding One (H1) symbol on a portion of the property be approved and adopted by Council.

## **Attachments:**

The following attached documents may include scanned images of Appendices, maps, and photographs. If you require an alternative format, please contact Sherry Rea, Development Planning Supervisor 705.324.9411 x 1331.

Appendix 'A' – Location Map



Appendix 'A' -  
Location Map.pdf

## Appendix 'B' – Site Plan



Appendix 'B' - Site  
Plan.pdf

## Appendix 'C' – Draft Zoning By-law



Appendix 'C' - Draft  
Zoning By-law.pdf

**Department Head E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

**Department Head:** Chris Marshall

**Department File:** D06-17-029